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Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NOORULLAH KHAN,
Plaintiff,

v.

JONATHAN SCHARFEN,
Acting Director, United States Citizenship
and Immigration Services,
Defendant.

No. 08-cv-1679 (MMC)

**STIPULATION TO HOLD
MATTERS IN ABEYANCE ;
ORDER THEREON**

Defendant Jonathan Scharfen and Plaintiff Noorullah Khan hereby stipulate to hold matters in abeyance in the above-referenced case for a period of sixty (60) days from the date of issuance of an order granting the stipulated abeyance. Defendant also agrees to respond to Plaintiff's First Amended Complaint for Declaratory Judgment and Injunction at the close of this sixty (60) day period. In further support thereof, the parties say as follows:

1. On January 19, 1999, Plaintiff was granted asylum. On February 22, 2008, he was denied adjustment of status based on inadmissibility due to engaging in terrorist activity by affording material support to a terrorist organization under INA § 212(a)(3)(B)(i)(I), 8 U.S.C. § 1182(a)(3)(B)(i)(I) and INA § 212(a)(3)(B)(iv)(VI)(dd), 8 U.S.C. § 1182(a)(3)(B)(iv)(VI)(dd), respectively.

1 2. On April 23, 2008, USCIS reopened the matter of Plaintiff's adjustment of status.

2 3. On July 24, 2008, Plaintiff filed his First Amended Complaint for Declaratory
3 Judgment and Injunction, which alleges that the delay in adjudication his adjustment of status
4 application violates 5 U.S.C. § 555(b), 8 U.S.C. § 1159(b), and 8 C.F.R. § 209.2.

5 4. Both parties recognize that the Consolidated Appropriations Act of 2008 (CAA of
6 2008), Pub. L. No. 110-161, Div. J, section 691(a), 121 Stat. 1844 (Dec. 26, 2007), provides
7 expanded discretionary authority for the Secretary of Homeland Security to exempt certain
8 terrorist-related inadmissibility grounds as they relate to undesignated terrorist organizations as
9 defined under the Immigration and Nationality Act (INA) section 212(a)(3)(B)(vi)(III), 8 U.S.C.
10 § 1182(a)(3)(B)(vi)(III).

11 5. Defendants are actively pursuing efforts to complete the adjudication of Plaintiff's
12 adjustment of status application within sixty (60) days from the issuance of the abeyance order
13 requested herein.

14 6. In the interest of judicial economy, the potential for adjudication of Plaintiff's
15 adjustment of status application within sixty (60) days from the date of issuance of the abeyance
16 order requested herein merits grant of the abeyance.

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1 WHEREFORE, with good cause having been shown, the parties hereby request that this
2 Court issue an order granting an abeyance of matters in this case for a period of sixty (60) days
3 from the date of issuance of the abeyance order.

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5 Dated: July 31, 2008

Respectfully submitted,

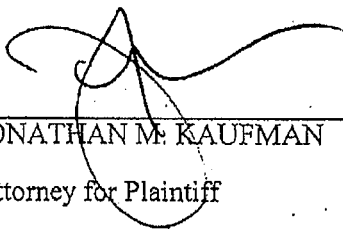
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11 By: 

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13 Attorneys for Defendant


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18 Dated: July 31, 2008


JONATHAN M. KAUFMAN
Attorney for Plaintiff

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22 **ORDER**

23 Pursuant to stipulation, IT IS SO ORDERED. Accordingly, the Case Management Conference
24 scheduled for August 29, 2008 is hereby continued to October 31, 2008 at 10:30 a.m. The parties shall
file a Joint Case Management Statement no later than October 24, 2008.

25 Dated this 1st day of August, 2008


MAXINE M. CHESNEY
United States District Judge